



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, April 04, 2022 at 10:00 AM

AGENDA

MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**
Hon. Paul D. Pate | **Secretary of State**
Hon. Rob Sand | **Auditor of State**
Hon. Michael L. Fitzgerald | **Treasurer of State**
Hon. Michael L. Naig | **Secretary of Agriculture**

Teleconference Only

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

1. **Approval of Minutes**

[A.](#) Approval of the minutes from the Executive Council meeting held on March 21, 2022.

2. **Iowa Code §7D.10**

[A.](#) Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$9,600.00.

3. **Special Counsel**

[A.](#) The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Leland Mitchell v. Iowa Department of Transportation; State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$160.00 Per Hour

4. Emergency Allocations

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$58,206.36. On January 12, 2022, a cable along Highway 9 north of 275th Street in Winneshiek County was damaged due to a rodent chew. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$49,372.59. On February 8, 2022, a cable was damaged in two locations in Fayette County due to a rodent chew. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- C. The Department of Administrative Services is requesting an emergency allocation in the amount of \$3,393.80. On December 19, 2021, vehicle #1209 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to the audit of actual invoices.

- D. Department of Public Safety - Iowa State Patrol is requesting an emergency allocation in the amount of \$9,708.62. On January 21, 2022, vehicle #348 was damaged after striking a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to the audit of actual invoices.

- E. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$27,850.75. This brings the total allocation to \$135,000.55. On July 9, 2021, 25 Vehicles were damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to the audit of actual invoices.

- F. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,347.54. This brings the total allocation to \$10,310.14. On October 15, 2021, vehicle #49 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$10,598.00. On October 20, 2021, a lightning strike damaged the communication tower at the Palo Alto site. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement. This represents full and final payment and this allocation will be closed.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$7,555.19. On January 6, 2022, vehicle #217 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to the audit of actual invoices

- I. University of Iowa is requesting an emergency allocation in the amount of \$17,682.03. On March 8, 2021, the weight of snow and ice caused damage at the MacBride Nature Recreation Area Social Center. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- J. University of Northern Iowa is requesting an emergency allocation in the amount of \$1,005,153.40. On December 15, 2021, a wind storm caused damages to the roof at the Nielsen Fieldhouse and Wellness Recreation Center. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to the audit of actual invoices

- K. Department of Human Services - Woodward Resource Center is requesting an emergency allocation in the amount of \$195,710.89. On August 10, 2020, a derecho caused roof, tree and water damage. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement is to be paid to the Department of Administrative Services. This represents full and final payment and this allocation will be closed.

5. Payment of Cost Items

- A. Department of Administrative Services\$5,306.75
On July 9, 2021, Vehicles #1305, #1499, #1348 and #2089 were damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$368.75 will be reverted and this allocation closed.

- B. Department of Administrative Services\$4,186.45
On July 9, 2021, Vehicles #455, #202 and #155 were damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$802.49 will be reverted and this allocation closed.

- C. Denton Davis Brown PC.....\$622.50
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Iowa Department of Transportation.

- D. Michael Marquess.....\$5,000.00
2183 Docks Drive
Garwin, IA 50632
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

- E. Richard J. Bennett, Sr.....\$2,808.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

- F. Denton Davis Brown PC.....\$386.50
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Special Counsel Dentons Davis Brown Employee Retirement Income Security Act (ERISA)

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- G. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$90.20
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue

- H. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$65.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue

- I. Department of Natural Resources\$1,338.00
Drainage taxes for the following county:

Clinton County \$1,338.00

Michael J. Moss, Assistant Attorney General, has reviewed this request and recommends payment.

J. Simmons Perrine Moyer Bergman PLC.....\$170.00
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52401
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Tobacco Settlement Authority.

6. Adjourn Meeting



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, March 21, 2022 at 10:00 AM

MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Auditor of State Rob Sand, Treasurer of State Michael Fitzgerald and Secretary of Agriculture Michael Naig were present.

1. Approval of Minutes

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the minutes of the Executive Council and Board of Canvass meeting held on March 7, 2022.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

2. Personal Appearances

Christie Templeton, Department of Human Services, was present to request funds in the amount of \$150,000.00 pursuant to Iowa Code §29C.20A and §29C.20B with regard to the Governor's Proclamation of a State of Disaster Emergency for Adair, Benton, Decatur, Jasper, Lucas, Polk, Madison, Tama, Warren and Wayne counties.

Moved by Secretary Pate and seconded by Secretary Naig that the Executive Council approve the request.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

3. Iowa Code §7D.10

Moved by Treasurer Fitzgerald and seconded by Secretary Naig that the Council approve the request from the Attorney General's Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$6,400.00 for prosecuting cases under Iowa Code chapter 229A.

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Auditor Sand
		Treasurer Fitzgerald
		Secretary Naig
	Nays:	None

4. Emergency Allocations

Moved by Auditor Sand and seconded by Secretary Pate that the Council approve the following emergency allocation items:

- A. Department of Natural Resources requested an emergency allocation of \$37,592.50. On June 26, 2021, flash flooding caused damage at Yellow River State Forest in Allamakee County. Request was to cover repair costs.
- B. Department of Natural Resources requested an emergency allocation of \$3,298.96. On November 23, 2021, a fire caused damage to McIntosh Woods State Park Yurt Deck. Request was to cover repair costs.
- C. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$12,390.37. This brings the total allocation to \$92,321.05. On April 6, 2021, ICN sustained cable damage due to exposure in 2 location in Audubon County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$2,390.74. This brings the total allocation to \$21,328.26. On August 18, 2021, ICN sustained cable damage due to excessive erosion along Highway 148 in Taylor County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- E. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$10,255.40. This brings the total allocation to \$49,277.52. On September 2, 2021, ICN sustained cable damage due to excessive erosion along Highway 24 in Winneshiek County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- F. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$11,150.06. This brings the total allocation to \$40,018.01. On September 7, 2021, ICN sustained cable damage due to exposure along Highway 24 in Chickasaw County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- G. Iowa Communications Network requested an emergency allocation in the amount of \$15,460.70. On January 21, 2022, ICN cables were damaged due to an exposure near Highway 14 in Lucas County. Request was to cover repair costs.

- H. Department of Public Safety requested an emergency allocation of \$16,749.71. On December 11, 2021, State Patrol Vehicle #336 was damaged by a deer. Request was to cover repair costs.
- I. Board of Regents - University of Northern Iowa requested an emergency allocation in the amount of \$65,967.34. On October 16, 2021, UNI sustained vandalism damages to a water fountain in Bender Hall. Request was to cover repair costs.
- J. Iowa State Fair requested a supplemental emergency allocation in the amount of \$49,550.00. This brings the total allocation to \$154,272.00. On December 15, 2021, a windstorm caused roof damages to the Varied Industries Building, Soda Shop, Grandstand and General Store. Request was to cover repair costs.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald
 Secretary Naig
 Nays: None

5. Payment of Cost Items

Moved by Auditor Sand and seconded by Secretary Pate that the Council approve the following cost items:

- A. Department of Natural Resources.....\$41,146.34
 On June 5, 2019, hail caused damage to various buildings at Lacey Keosauqua State Park in Van Buren County. Request was to cover repair costs. This represents full and final payment, \$28,414.27 will be reverted and this allocation closed.
- B. Department of Natural Resources.....\$13,874.06
 On June 20, 2021, the septic system was damaged at the Visitors Center at Lewis & Clark State Park in Monona County. Request was to cover repair costs. This represents full and final payment.
- C. Department of Natural Resources.....\$3,485.00
 On July 16, 2021, a fire caused damage to the seasonal housing breaker box at Lake Manawa State Park in Pottawattamie County. Request was to cover repair costs. This represents full and final payment.
- D. Iowa Communications Network\$41,955.57
 On April 16, 2021 and April 18, 2021, a cable was damaged in multiple locations due to rodent chews along Highway 18 and 570th Avenue in Palo Alto County. Request was to cover repair costs. This represents full and final payment.
- E. Patterson Law Firm L.L.P.....\$462.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

- F. Patterson Law Firm L.L.P.....\$126.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Robert Allen v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund of Iowa
- G. Patterson Law Firm L.L.P.....\$126.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa
- H. Patterson Law Firm L.L.P.....\$436.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Donald Briggles v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa
- I. Patterson Law Firm L.L.P.....\$238.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- J. Patterson Law Firm L.L.P.....\$126.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa
- K. Patterson Law Firm L.L.P.....\$812.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa
- L. Patterson Law Firm L.L.P.....\$22.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Larry Opal v. Clarinda Correctional Facility, State of Iowa and Second Injury Fund of Iowa
- M. Patterson Law Firm L.L.P.....\$276.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

- N. Patterson Law Firm L.L.P.....\$28.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Bryson Powell v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa
- O. Gray Miller Persh, LLP.....\$1,573.20
 2233 Wisconsin Avenue NW
 Suite 226
 Washington, D.C. 20007
Iowa PBS
- P. Denton Davis Brown PC.....\$835.00
 215 10th Street,
 Suite 1300
 Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues
- Q. Denton Davis Brown PC.....\$604.00
 215 10th Street,
 Suite 1300
 Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Fitzgerald Secretary Naig
	Nays:	None

6. Adjourn Meeting

Moved by Treasurer Fitzgerald and seconded by Secretary Pate that the meeting adjourn.

Respectfully submitted,



Victoria Newton
Executive Secretary

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

March 23, 2022

Ms. Victoria Newton
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council “[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department.” There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$9,600.00 for record review/report preparation (invoices enclosed).

Sincerely,



JEFFREY S. THOMPSON
Solicitor General

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

March 23, 2022

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Request for Special Counsel


Dear Victoria:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in case *Mitchell, Leland v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa* filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$160.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,



JEFFREY S. THOMPSON
Solicitor General